

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 516

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON ESTABLISHING A TRANSPORTATION BENEFIT DISTRICT; SPECIFYING THE BOUNDARIES FOR THE TRANSPORTATION BENEFIT DISTRICT; SPECIFYING THE TRANSPORTATION IMPROVEMENTS TO BE FUNDED BY THE DISTRICT; AUTHORIZING THE TRANSPORTATION BENEFIT DISTRICT BOARD TO ESTABLISH AN ANNUAL VEHICLE LICENSE FEE SUBJECT TO VOTER APPROVAL; PROVIDING FOR SEVERABILITY; AND, ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Burien has the responsibility under the Constitution of the State of Washington for the improvement, maintenance, and protection of public ways within the corporate limits of the City pursuant to RCW 35A.11.020 and Chapter 35A.47 RCW, and

WHEREAS, Chapter 36.73 RCW provides for the establishment of transportation benefit districts and for the levying of additional revenue sources for transportation improvements within the district that are consistent with existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels, and

WHEREAS, transportation improvements include, among other things, transportation programs of regional or statewide significance including transportation demand management; and

WHEREAS, transportation demand management is a general term for various strategies that increase transportation system efficiency emphasizing the movement of people and goods, rather than motor vehicles, and giving priority to more efficient modes (such as walking and cycling), particularly under congested conditions; and

WHEREAS, one of the key findings of the “Washington Transportation Plan for 2007-2026” adopted by the Washington Transportation Commission was that the mobility of people and goods is fundamental to the functioning of society and that investment must shift from moving vehicles to moving people and products, and

WHEREAS, the Puget Sound Regional Council ("PSRC"), a regional planning agency, has adopted its PSRC long-range strategy (VISION 2040) and its Metropolitan transportation plan (Destination 2030), both of which call for the development of a transportation system that includes bicycle and pedestrian transportation improvements, and

WHEREAS, Destination 2030 calls for creating a regionally integrated network of non-motorized facilities linking bicycle and pedestrian infrastructure within urban places, and connecting these facilities to regional transit services, and

WHEREAS, VISION 2020, the region's long-range growth management, economic and transportation strategy, and Destination 2030 call for the development of a transportation system that creates more travel choices while preserving environmental quality and open space with bicycle and pedestrian transportation playing an important role in achieving this goal, and

WHEREAS, although Destination 2030 focuses on identifying a regional bicycle and pedestrian system, it identifies the backbone of the regional system as the network of facilities on local streets and arterials and recognizes that regional and local systems are inextricably linked and mutually depend upon one another; thus, the Destination 2030 Implementation Strategy for the Long-Range Plan for bicycle and pedestrian transportation focuses on implementing both regional and local networks since both are integral to achieving regional goals, and

WHEREAS, the City has identified two local mobility improvement projects that fit within and are consistent with transportation demand management and the regional plan and program for bicycle and pedestrian transportation, and are necessitated by existing and reasonably foreseeable congestion levels, which projects are described in attached Exhibit "A", and

WHEREAS, the City Council finds that the projects described in Exhibit A are projects within the meaning of RCW, and

WHEREAS, RCW 35.21.225 authorizes the City Council to establish a Transportation Benefit District subject to the provisions of Chapter 36.73 RCW, and

WHEREAS, the City desires to form a Transportation Benefit District which includes the entire City of Burien, as the boundaries exist at the time of the effective date hereof, for the purpose of funding the transportation improvements described herein through imposition of a vehicle fee in accordance with Chapter 36.73 RCW and RCW 82.80.140, and

WHEREAS, prior to establishing a Transportation Benefit District, in accordance with RCW 36.73.050, the City conducted a public hearing after giving proper notice describing the projects and activities to be funded by the Transportation Benefit District to be created, and

WHEREAS, the City Council of the City of Burien finds it to be in the best interests of the City to establish a citywide Transportation Benefit District for the funding and implementation of the transportation improvements described herein, consistent with Chapter 36.73 RCW, and

WHEREAS, the City Council of the City of Burien shall establish a governing body for the Transportation Benefit District comprised of the City Council acting in an *ex officio* and independent capacity;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Purpose. The purpose of this Ordinance is to establish a Transportation Benefit District pursuant to and consistent with RCW 35.21.225 and Chapter 36.73 RCW, as the City Council finds it is in the public interest to provide adequate levels of funding for the purposes of implementing and funding the transportation improvement(s) described in attached Exhibit “A” which exhibit is incorporated as though fully set forth herein.

Section 2. Formation of a Transportation Benefit District. The City of Burien, pursuant to RCW 35.21.225 and Chapter 36.73 RCW, hereby establishes and creates a Transportation Benefit District to be known and referred to as TBD No. 1, subject to the following:

(1) **Establishing Transportation Benefit District.** There is created TBD No. 1 with geographical boundaries comprised of the corporate limits of the City, as they exist upon the effective date of this ordinance. Future annexations shall not affect the corporate boundaries of TBD No. 1.

(2) **Governing Board.**

(a) The governing board of the Transportation Benefit District shall be the Burien City Council acting in an *ex officio* and independent capacity, which shall have the authority to exercise the statutory powers set forth in Chapter 36.73 RCW.

(b) The treasurer of the Transportation Benefit District shall be the City Finance Director.

(c) The Board shall develop material change policy to address major plan changes that affect project delivery or the ability to finance the plan, pursuant to the requirements set forth in RCW 36.73.160(1).

(d) The Board shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2).

(e) Meetings of the Board shall be governed by the procedural rules applicable to meetings of the Burien City Council, as the same may be amended from time to time.

(f) The first action of the Board shall be to nominate and elect a chair who shall preside over all meetings of the Board.

(3) **Powers of the TBD No. 1:** TBD No.1 shall possess all of the powers of a transportation benefit district authorized pursuant to Ch. 36.73 RCW, including the authority to issue general obligation bonds and revenue bonds; provided that, the TBD No. 1 shall have no authority to impose taxes, fees, charges, or tolls except as provided herein.

(4) **Transportation Improvements Funded.** The funds generated by the Transportation Benefit District shall be used for transportation improvements that are described in Section 1 of this Ordinance or as may be otherwise expanded in accordance with Ch. 36.73 RCW.

(5) **Establishment of Vehicle Fee Revenue Source.** The Board shall, upon approval of the majority of the voters of the district voting on a proposition at a general or special election, have the authority to impose an annual vehicle license fee in the amount of twenty-five dollars (\$25), consistent with RCW 36.73.065, to be collected by the Washington Department of Licensing on qualifying vehicles as set forth in RCW 82.80.140 and Chapters 36.73 and 46.16 RCW.

(6) **Dissolution of District.** TBD No. 1 shall be dissolved when all indebtedness of the district has been retired and when all of the district's anticipated responsibilities have been satisfied.

Section 3. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction; such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Burien Municipal Code, this ordinance is deemed to control.

Section 4. Effective Date. This ordinance shall take effect and be in full force five (5) days after approval and publication in accordance with law.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF
ON THE 20TH DAY OF JULY, 2009, AND SIGNED IN AUTHENTICATION OF ITS
PASSAGE THIS 20TH DAY OF JULY, 2009.**

CITY OF BURIEN
/s/ Sue Blazak, Acting Mayor

ATTEST/AUTHENTICATED:
/s/ Monica Lusk, City Clerk

Approved as to form:
/s/ Christopher D. Bacha, Interim City Attorney
Kenyon Disend, PLLC

Filed with the City Clerk: July 14, 2009
Passed by the City Council: July 20, 2009
Ordinance No. 516
Date of Publication: July 23, 2009

EXHIBIT A
(Description of Transportation Improvements)

1. **8th Avenue South (S 128th Street to S. 136th Street)** - Construct a minimum 8-foot wide multi-purpose facility on one side of 8th Avenue South to provide safe access to Cedarhurst Elementary School.
2. **SW and S 136th Street (from Ambaum Boulevard to 1st Ave S and 1st Ave S to Des Moines Memorial Drive)** - Enhance east-west connectivity and mobility by filling in missing gaps, repair damaged sidewalk, and installing ADA improvements.